

APPEAL NO. 033170
FILED FEBRUARY 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 4, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury includes an injury to the claimant's right shoulder, but not the left shoulder. The appellant (carrier) appeals the hearing officer's decision and asserts that the hearing officer improperly commented on the evidence. The appeal file contains no response from the claimant.

DECISION

Affirmed.

Extent of injury was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The carrier complains on appeal that in the Statement of the Evidence the hearing officer improperly commented, "it appears that the [c]arrier disputed that the injury included the [c]laimant's shoulders after her examination by [the designated doctor], as the [c]arrier did not want the [c]laimant's impairment rating to be fifteen percent (15%) or higher which could perhaps obligate itself to pay supplemental income benefits." The comment accurately reflects the claimant's testimony and we perceive no reversible error in the hearing officer's comment.

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **HARTFORD CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge